

# SENATE BILL 58

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(PRE-FILED)

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By: **Chair, Finance Committee (By Request – Departmental – Education)**

Requested: October 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Division of Rehabilitation Services – Unpaid**  
3 **Work-Based Learning Experiences**

4 FOR the purpose of providing that certain individuals in unpaid work-based learning  
5 experiences with the Division of Rehabilitation Services in the State  
6 Department of Education are covered employees for the purpose of coverage  
7 under the State workers' compensation laws; designating the employer of a  
8 certain individual in an unpaid work-based learning experience for the purpose  
9 of coverage under the State workers' compensation laws; requiring the  
10 participating employer to secure certain workers' compensation coverage;  
11 requiring the Department to reimburse an employer for certain costs; defining  
12 certain terms; providing for the application of this Act; and generally relating to  
13 workers' compensation coverage for certain individuals in unpaid work-based  
14 learning experiences with the Division of Rehabilitation Services in the State  
15 Department of Education.

16 BY adding to  
17 Article – Education  
18 Section 21–310  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Labor and Employment  
23 Section 9–228  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2009 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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## Article – Education

2 **21–310.**

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5 (2) “DORS” MEANS THE DIVISION OF REHABILITATION  
6 SERVICES IN THE STATE DEPARTMENT OF EDUCATION.

7 (3) “DORS CONSUMER” MEANS AN INDIVIDUAL DETERMINED  
8 ELIGIBLE FOR REHABILITATION SERVICES UNDER § 21–306 OF THIS SUBTITLE  
9 WHO IS PLACED BY DORS IN AN UNPAID WORK–BASED LEARNING EXPERIENCE.

10 (4) “UNPAID WORK–BASED LEARNING EXPERIENCE” MEANS A  
11 PROGRAM THAT PROVIDES A DORS CONSUMER WITH STRUCTURED  
12 EMPLOYER–SUPERVISED LEARNING THAT:

13 (I) OCCURS IN THE WORKPLACE;

14 (II) LINKS WITH AN INDIVIDUALIZED PLAN FOR  
15 EMPLOYMENT;

16 (III) IS COORDINATED BY A DORS REHABILITATION  
17 SPECIALIST; AND

18 (IV) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF  
19 AN INDIVIDUAL WRITTEN WORK–BASED LEARNING EXPERIENCE AGREEMENT  
20 BETWEEN DORS AND THE EMPLOYER OF THAT PARTICIPATING DORS  
21 CONSUMER.

22 (B) A DORS CONSUMER WHO IS PLACED WITH AN EMPLOYER IN AN  
23 UNPAID WORK–BASED LEARNING EXPERIENCE IS A COVERED EMPLOYEE OF  
24 THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR AND EMPLOYMENT  
25 ARTICLE FOR THE PURPOSE OF COVERAGE UNDER THE STATE WORKERS’  
26 COMPENSATION LAWS.

27 (C) (1) THE PARTICIPATING EMPLOYER WHERE A DORS CONSUMER  
28 IS PLACED IN AN UNPAID WORK–BASED LEARNING EXPERIENCE SHALL SECURE  
29 WORKERS’ COMPENSATION COVERAGE FOR THAT DORS CONSUMER.

30 (2) THE STATE DEPARTMENT OF EDUCATION SHALL REIMBURSE  
31 THE EMPLOYER IN AN AMOUNT EQUAL TO THE LESSER OF:

1                   **(I) THE COST OF THE PREMIUM FOR THE WORKERS'**  
2 **COMPENSATION COVERAGE; OR**

3                   **(II) \$250.**

4                   **Article – Labor and Employment**

5 9–228.

6           (a) (1) A student with a disability as defined in § 8–401(a)(2) of the  
7 Education Article is a covered employee while working for an employer without wages  
8 in a work assignment in accordance with § 8–402 of the Education Article.

9           (2) For the purposes of this title, the employer for whom the student  
10 with a disability works is the employer of that student.

11           (b) (1) An individual is a covered employee while working as a student  
12 intern or student teacher under § 6–107 of the Education Article.

13           (2) For the purposes of this title, the Board of School Commissioners of  
14 Baltimore City or the board of education for any other county is the employer of an  
15 individual who is a covered employee under this subsection in that county.

16           (c) (1) A student is a covered employee when the student has been placed  
17 with an employer in an unpaid work–based learning experience coordinated by a  
18 county board or private noncollegiate institution under § 7–114 of the Education  
19 Article.

20           (2) For purposes of this title, the employer for whom the student  
21 works in the unpaid work–based learning experience is the employer of that student.

22           **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**  
23 **THE MEANINGS INDICATED.**

24                   **(II) “DORS” MEANS THE DIVISION OF REHABILITATION**  
25 **SERVICES IN THE STATE DEPARTMENT OF EDUCATION.**

26                   **(III) “DORS CONSUMER” HAS THE MEANING STATED IN §**  
27 **21–310 OF THE EDUCATION ARTICLE.**

28                   **(2) A DORS CONSUMER IS A COVERED EMPLOYEE WHEN THE**  
29 **INDIVIDUAL HAS BEEN PLACED BY DORS WITH AN EMPLOYER IN AN UNPAID**  
30 **WORK–BASED LEARNING EXPERIENCE.**

1           **(3) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM**  
2 **THE DORS CONSUMER WORKS IN THE UNPAID WORK-BASED LEARNING**  
3 **EXPERIENCE IS THE EMPLOYER OF THE DORS CONSUMER.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
5 applicable to students in unpaid work-based learning experiences, as defined in §  
6 21-310 of the Education Article as enacted by this Act, beginning on the effective date  
7 of this Act.

8           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2010.